

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

RICHARD L. SEEGL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
web: www.wellesleyma.govJ. RANDOLPH BECKER, VICE CHAIRMAN
ROBERT W. LEVY
DAVID L. GRISSINO

ZBA 2009-91

Petition of Walter & Ilse Sangree
11 Hill Top Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 10, 2009, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of WALTER & ILSE SANGREE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing 8 foot 8 inch by 9 foot 2 inch second story deck to convert it to a sunroom, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 6,180 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 11 HILL TOP ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On November 23, 2009 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Ilse Sangree (the "Petitioner") and Sam King.

Ms. Sangree said that they have an 80 square foot deck outside of their bedroom. She said that it is enclosed on three sides. She said that they would like to change that to a sunroom. She said that it will not add to the footprint.

The Board said that it was given a lot of history on the lot. The Board said that there are a number of challenging lots in the neighborhood.

Ms. Sangree said that she discussed the plans with her neighbors.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 11 Hill Top Road on a 6,180 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 25 feet, a minimum left side yard setback of 11.2 feet and a minimum right side yard setback of 11.7 feet.

The Petitioner is requesting a Special Permit/Finding that enclosure of an existing 8 foot 8 inch by 9 foot 2 inch second story deck to convert it to a sunroom, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 6,180 square foot lot in a district in

which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/13/09, revised 11/18/09, stamped by Michael D. Mortorella, Professional Land Surveyor, Existing Floor Plans, dated 10/12/06, drawn by J.M. Byrne Computer Graphics, Existing and Proposed Floor Plans and Elevation Drawings, dated 11/13/09 & 11/16/09, drawn by Sam King, and photographs were submitted.

On December 8, 2009, the Planning Board reviewed the petition and recommended that the petition be approved.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that enclosure of an existing 8 foot 8 inch by 9 foot 2 inch second story deck to convert it to a sunroom, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 6,180 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing for enclosure of an existing 8 foot 8 inch by 9 foot 2 inch second story deck to convert it to a sunroom, in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2009-91
Petition of Walter & Ilse Sangree
11 Hill Top Road

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Cynthia S. Hibbard, Acting Chairman

Robert W. Levy

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm